

REMARKS

Claims 1 and 11 are amended herein. Support is found, for example, at page 7, lines 25-27 of the specification as filed. No new matter is presented.

Claims 1 and 9-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oharu et al (U. S. Patent No. 6,610,775).

Without conceding the merits of the rejection, claims 1 and 11 are amended herein to recite that the weight ratio of the cationic surfactant to the nonionic surfactant is from 0.5:9.5 to 5:5. Oharu et al does not teach, suggest or otherwise recognize the significance of this feature of the invention.

In the present invention, the cationic surfactant is essential. In contrast, the cationic surfactant is optional in Oharu. Oharu, at column 12, lines 34-36, teaches, "In a case where the surfactant (B) contains a cationic surfactant, it is preferred to employ a cationic surfactant made of a substituted ammonium salt." Examples 4 and 8 of Oharu employ a nonionic surfactant alone and do not use a cationic surfactant. Thus, Oharu do not suggest or even recognize the importance of the cationic surfactant.

In the present invention, the combination of a cationic surfactant and a specified nonionic surfactant of formula (I) can give an aqueous water- and oil-repellent dispersion, wherein a diluted liquid of the aqueous dispersion is not destroyed by a mechanical impact exerted from a substrate (or a fabric) in a water- and oil-repellent treatment bath, whereby substrate pollution is not caused (cf. page 2, lines 12-17 of the present specification). Oharu does not suggest that such advantageous effects of the present invention can be achieved by the combination of a cationic surfactant and a specified nonionic surfactant of the formula (I). Therefore, one of ordinary skill in the art would not have been motivated to modify the

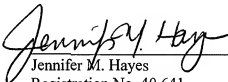
disclosure of Oharu et al to arrive at the claimed aqueous water- and oil-repellent dispersion including a cationic surfactant and a specific nonionic surfactant of specified weight ratio with a reasonable expectation of success.

Accordingly, Applicants respectfully request withdrawal of the rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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